IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 31ST JULY 2007 / 9TH SRAVANA 1929

OP.No. 10834 of 1999(M)

PETITIONER:

PAUL JOHN, 7TH FLOOR,
KANDOMKULATHY TOWERS,
M.G.ROAD, ERNAKULAM COCHIN 682 011.

BY ADV. SRI.SUNIL JACOB JOSE

RESPONDENTS:
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1. **THE KERALA STATE ELECTRICITY BOARD,**
   REP.BY ITS SECRETARY,
   VIDYUTHI BHAVAN, TRIVANDRUM.

2. **THE EXECUTIVE ENGINEER,**
   ELECTRICAL DIVISION, ERNAKULAM.

3. **THE ASST. EXECUTIVE ENGINEER,**
   ELECTRICAL MAJOR SECTION COLLEGE,
   CLUB ROAD, ERNAKULAM.

BY ADV. SRI.C.RAGHAVAN, SC, KSEB
SRI. ASOK M.CHERIYAN, SC, KSEB
SRI.A.SUDHI VASUDEVAN, SC, KSEB
SRI.C.K.KARUNAKARAN, SC FOR KSEB

THIS ORIGINAL PETITION HAVING COME UP FOR ADMISSION ON 31/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP. NO.10834/1999

ORDER ON CMP. NO.17636/1999 IN OP. NO.10834/1999

DISMISSED

31.07.2007 SD/- T.R.RAMACHANDRAN NAIR, JUDGE

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE MONTHLY BILLS ISSUED BY THE 3RD RESPONDENT.

EXT.P2:- COPY OF THE MONTHLY BILL DGT. 15.1.99 ISSUED BY THE 3RD RESPONDENT.

EXT.P3:- COPY OF THE MONTHLY BILL DT. 15.2.99 ISSUED BY THE 3RD RESPONDENT.

EXT.P4:- COPY OF THE MONTHLY BILL DT. 15.3.99 ISSUED BY THE 3RD RESPONDENT.

EXT.P5:- COPY OF THE MONTHLY BILL DT. 1.5.4.99 ISSUED BY THE 3RD RESPONDENT.

EXT.P6:- COPY OF THE REPRESENTATION OF THE PETITIONER DT. 23.4.99 TO THE 3RD RESPONDENT.

/TRUE COPY/

P.A. TO JUDGE

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T.R.RAMACHANDRAN NAIR, J.

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O.P.No.10834 of 1999-M.

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Dated this the 31st day of July, 2007.

J U D G M E N T

The petitioner is one of the co-owners of the building named Kandomkulathy Towers in M.G. Road, Ernakulam. The said building has an electric connection with Consumer No.6818 (previously 10031) in the name of the petitioner. Pursuant to an inspection conducted by the Anti Power Theft Squad of the Kerala State Electricity Board he was served with various notices and bills. Against the demand notice dated 4.3.1998 to the tune of Rs.1,30,506/- the petitioner filed OP.No.5499/1998 and an interim stay of the demand was granted on condition of payment of 50% of the demand. Thereafter bills were being issued by the 3rd respondent evidenced by Exts.P2, P3 and P4. Ext.P5 is the demand under challenge in this writ petition.

2. The learned counsel for the petitioner submits that pursuant to the direction issued by this Court in OP.No.5499/1998 the Deputy Chief Engineer, APTS, (HQ), Pattom, Thiruvananthapuram has passed an order on 28.11.2006 concerning the very same issue. The operative portion of the order is contained in para.7, which reads as follows:

> **"(i) The penal charges raised on account of UAL detected by the APTS is not in order and it is to be withdrawn from the reassessment bill."**

(ii) Since the energy meter installed in the premises at the time of APTS inspection has 63% short recorded, the meter is declared as faulty. Hence the S.A. bill raised in this account is to be revised by taking average 3 months consumption after replacing the disputed meter for a period of six months from the date of inspection and subsequent monthly bills is also to be revised accordingly."

Therefore, what remains to be done is the implementation of the above order by the respondents 2 and 3. Therefore, there will be a direction to respondents 2 and 3 to implement the directions in the order No.APTS/BV/350/06/EKM dated 28.11.2006 and revise the bills accordingly. The petitioner will be duly intimated of the proceedings by way of a written communication along with the revised bill.

The writ petition is accordingly disposed of. No costs.

T.R.RAMACHANDRAN NAIR, JUDGE.

Kvs/-